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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,523	04/06/2000	MIKEL A. LEHRMAN	ML-1	7812
7590	01/26/2005		EXAMINER	
ROBERT W MORRIS FISH & NEAVE 1251 AVENUE OF THE AMERICAS NEW YORK, NY 10020-1104			TRAN, NHAN T	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/544,523	LEHRMAN, MIKEL A.
	Examiner Nhan T. Tran	Art Unit 2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 October 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 and 30-32 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-28 and 30-32 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 02 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/6/2004 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-28, 30-32 have been considered but are moot in view of the new grounds of rejection.

***Claim Objections***

3. Claim 30 is objected to because the claim recites the limitation "the housing" in line 9 of page 10. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 6, 11, 13, 17, 18 & 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al (US 4,887,161).

Regarding claim 1, Watanabe discloses a portable electronic photo album comprising: a housing structure (Figs. 1 & 5) that fits within a pocket-sized wallet (see col. 6, lines 10-15, wherein the memory cartridge 20 can be as small as an ID card which inherently fits within a pocket-sized wallet);

an electronic display (LCD 24), located within the housing capable of displaying digital images (Figs. 1 & 5; col. 3, lines 26-33 and note that images are digital images captured by digital camera 10);

memory (22), located within the housing, that stores one or more digital images (Figs. 4 & 7; col. 6, lines 50-61);

dedicated processing circuitry (CPU 21 and/or peripheral circuitry shown in Fig. 7) located within the housing and being coupled to the memory and the display, the processing circuitry being substantially dedicated to displaying on the electronic display the one or more digital images stored in the memory (col. 5, line 39 – col. 6, line 10).

Regarding claim 4, Watanabe also discloses that the housing includes at least one user input device (23a, 23b shown in Figs. 5 & 7) for advancing which digital image is displayed on the electronic display (col. 6, lines 25-50).

Regarding claim 6, it is clear that the electronic display is a liquid crystal display (24) as described in col. 3, lines 26-33.

Regarding claim 11, Watanabe discloses all the limitations as analyzed in claim 1. Furthermore, Watanabe also discloses a portable electronic photo album *system* comprising: means (13-15; Fig. 4) for capturing the one or more digital images; a computer (system controller 11, signal processor 16) that receives the captured images and sends the images to the portable photo album (20) for storage in the memory (22) as described in col. 4, line 7 – col. 5, line 20.

Regarding claim 13, the means for capturing is clearly disclosed as a digital camera (10).

Regarding claim 17, further disclosed is that the computer includes application software for manipulating the captured digital images (col. 4, lines 19-22).

Regarding claim 18, Watanabe shows that the computer includes a monitor (also LCD 24) when the memory cartridge is attached to the digital camera for displaying digital images

that can be manipulated using software applications stored in the ROM and input units (push buttons) on the camera side such that the images appear exactly as being displayed on the LCD

24. See col. 5, lines 30-38 and col. 6, lines 15-18.

Regarding claim 22, see the analysis of claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 23 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 4,887,161) in view of Rowland (US 5,801,970).

Regarding claims 2 & 3, Watanabe teaches the apparatus of claim 1 having a CPU as a processing circuitry as analyzed above. Watanabe does not teach an ASIC or PLD circuitry. However, it is well known that a processing circuitry can be implemented with a CPU, ASIC or PLD circuitry as suggested by Rowland (col. 4, lines 49-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use either an ASIC or PLD in place of the CPU of Watanabe for processing the stored image data without changing a scope of the invention.

Regarding claims 23 & 24, see the analysis of claims 2 & 3, respectively.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 4,887,161) in view of Eisele et al (US 6,089,459).

Regarding claim 5, Watanabe teaches the apparatus of claim 1 having advancing units (23a, 23b shown in Figs. 5 & 7) for advancing digital images on the display. Watanabe does not teach that the electronic display also displays at least one user input location for advancing which digital image is displayed on the electronic display. It is well known in the art to provide touch screens instead of control keys on the display of various devices. This would reduce the overall weight of the device and make it more compact. Eisele discloses a device for displaying graphical data that uses an optical touch screen provided for its control keys (col. 8, lines 57-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure Watanabe's device with the touch screen display taught by Eisele to make an electronic photo album with a touch screen display that displays at least one user input location for advancing which digital image is displayed on the electronic display so that a lighter and more compact photo album device is realized.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 4,887,161) in view of Akins et al (US 5,623,280).

Regarding claim 7, Watanabe teaches the apparatus of claim 6. See above. However, Watanabe does not explicitly teach a substantially flexible liquid crystal display. Akins teaches a flexible liquid crystal display with touch sensitive screen, and Akins also teaches that the plastic substrates used in the manufacture of the flexible LCDs are thinner, lighter, less susceptible to breakage, and lend themselves more readily to the manufacturing process (col. 1, lines 45-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the flexible LCD of Akins in the apparatus of Watanabe to make the apparatus less susceptible to damage.

8. Claim 8-10, 12, 25, 27 & 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 4,887,161) in view of Hornback (PCT WO 99/56463).

Regarding claim 8, Watanabe discloses an electrical connector (29/30) mounted to the housing as shown in Figs. 1-7 for loading digital images into the memory (22). Watanabe further suggests that his electronic photo album is not only arranged to be connected to a digital camera but it can also be connected to other recording apparatus or a playback apparatus by means of electrical contacts (col. 6, lines 19-25). Watanabe does not explicitly describe that the means of electrical contacts is a cable connected to the connector. Hornback teaches communications between electronic devices (i.e., between photo albums 130 and 404 shown in Fig. 4) is established for sharing images between the electronic photo albums by using either USB, FireWire cables, or infrared interface (page 7, lines 19-24).

Therefore, it would have been obvious to one of ordinary skill in the art to enhance the electronic photo album in Watanabe by incorporating the teaching of communication interface in Hornback for an alternative implementation by using either a cable (i.e., USB cable, FireWire cable, etc.) or a wireless (infrared I/O) interface in an obvious variation over the direct contact in Watanabe for sharing digital images between electronic devices.

Regarding claim 9, see the analysis of claim 8 for an infrared interface.

Regarding claim 10, although Watanabe teaches an electronic photo album (20) as analyzed in claim 1, wherein the digital images are loaded into memory via a connector (29/30), Watanabe fails to teach that the electronic photo album comprises a Flash memory connector such that the digital images are loaded into the memory via a Flash card connector to the memory connector. However, it is generally known in the art that an electronic photo album or a memory card can be a Flash memory having compatible Flash memory connector for transferring image data as suggested by Hornback in page 7, lines 11-16.

Therefore, it would have been obvious to one of ordinary skill in the art to improve the imaging apparatus in Watanabe with a Flash memory technology having compatible Flash memory connector for loading image data into the memory so that the image data would be retained in the photo album 20 after removing from the digital camera without requiring power supply which is major advantage of the Flash memory (non-volatile) over other volatile memories, such as memory 22 in Watanabe.

Regarding claim 12, see the analysis of claim 8. Also see Fig. 7A in Hornback for all devices being connected.

Regarding claims 25-27, see the analysis of claim 8, wherein USB or FireWire is a conventional interface cable.

Regarding claim 28, see the analysis of claim 10.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 4,887,161) in view of Halpern (US 6,173,897).

Regarding claim 19, Watanabe discloses all limitations of a portable electronic photo album as analyzed in claim 1.

Watanabe does not teach a pocket-sized wallet comprising a body that includes one or more slots for storing credit cards, and one or more sections for storing money, the body being sized to fit within a pocket wherein the electronic photo album is stored in the wallet.

Halpern teaches the practice of placing a card in a wallet that fits in a shirt pocket (col. 6, lines 6-8). The slots for storing credit cards and sections for storing money are inherently taught.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the practice of placing cards in wallets taught by Halpern with the card-sized electronic photo album taught by Watanabe to make a portable electronic photo album wallet in which an electronic photo album is stored. One of ordinary skill would have

been motivated to make such a modification to store a card-sized device in a wallet already used for carrying card-sized items.

10. Claims 20 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al and Halpern as applied to claim 19 and in further view of Rowland et al (US 5,801,970).

Regarding claims 20 & 21, Watanabe teaches the portable electronic photo album having a CPU as a processing circuitry as analyzed in claims 1 and 19. Watanabe does not teach an ASIC or PLD circuitry. However, it is well known that a processing circuitry can be implemented with a CPU, ASIC or PLD circuitry as suggested by Rowland (col. 4, lines 49-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use either an ASIC or PLD in place of the CPU of Watanabe for processing the stored image data without changing a scope of the invention.

11. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 4,887,161).

Regarding claims 14-16, although Watanabe does not explicitly discloses that the means for capturing is a scanner, a CD-ROM, a floppy-disk, Watanabe suggests that his electronic photo album can be connected to other recording apparatus or other playback apparatus beside the digital camera 10 (see col. 6, lines 19-22). Therefore, it would have been obvious to one of

ordinary skill in the art to recognize that the other recording apparatus or playback apparatus would be available devices in the market such as a scanner, a CD-ROM or a floppy disk for handling digital images.

12. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 4,887,161) in view of Ray et al (US 5,321,751).

Regarding claim 30, Watanabe discloses a portable electronic photo album comprising: a structure (structure 20, Figs. 1 & 5) that fits within a pocket-sized wallet (see col. 6, lines 10-15, wherein the card 20 can be as small as an ID card which inherently fits within a pocket-sized wallet);

an electronic display (LCD 24), coupled to the structure, capable of displaying digital images;

a memory card, coupled to the structure and matable with the structure that stores one or more digital images (col. 6, lines 50-51, wherein memory 22 is mated with the structure 20 to form a card structure as shown in Fig. 7);

dedicated processing circuitry (CPU 21 and/or peripheral circuitry) coupled to the structure and being coupled to the display and to the memory card when the memory card is mated to the [housing] (i.e., during manufacture of the photo album 20), the processing circuitry being substantially dedicated to displaying on the electronic display the one or more digital images stored in the memory card (Fig. 7; col. 5, line 60 – col. 6, line 10).

Watanabe fails to teach a magnetic strip located on the structure that includes credit card information, wherein the magnetic strip is operable to be swiped through a credit card reader.

As taught by Ray, a credit card (10) having a magnetic strip as shown in Fig. 1 can include a storage for storing a digital image beside conventional credit card information so that digital picture of the owner or authorized user can be securely verified. See Abstract, col. 1, lines 5-12 and col. 2, lines 36-44.

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Watanabe and Ray to form a credit card having a magnetic strip that includes credit card information to be read by a credit card reader in addition to digital images of the card owner or authorized user, which would be stored in the card structure so that the credit card would be not only used as a personal electronic photo album but also used for visual validation in a convenient and secured manner.

Regarding claim 31, Watanabe further discloses a display memory (display memory buffer 24A; Fig. 7) and that the processing circuitry in Watanabe swaps image data from the memory card into the display memory for display on the electronic display (see col. 6, lines 62-66).

Regarding claim 32, it is also clear that the image data can be displayed on the LCD 24 directly from the memory card without using a display memory buffer as shown by Watanabe in Fig. 4.

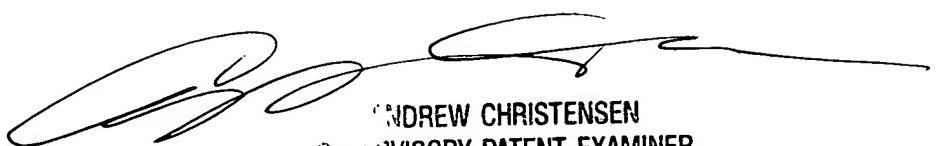
***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.



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